

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING

MINUTES

April 1, 2009

7:30 P.M.

Room 206, Town Hall

Acting Chairperson Susan Cameron called the meeting to order at 7:30 P.M. Commission Members Present: Susan Cameron; Pete Kenyon, Michael Tone, Rick Rohr, Craig Flaherty, and Ellen Kirby.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Ms. Cameron read the first agenda item:

Discussion with David Knauf, Darien Director of Health

Mr. Knauf introduced himself and the Commission discussed his experience with septic systems and his objectives for Darien. He discussed his background and extensive experience in both new and traditional septic system design.

Ms. Cameron read the next agenda item

EPC-8-2009, Brian and Louise Murphy, 708 Hollow Tree Ridge Road, proposing a swimming pool within an upland review area. The site is shown on Assessor's Map #2 as Lot #72.

Alan Broadbent, Laurel Rock, Co. represented the applicant. He described the alternative plans for the pool location.

The Commission members considered the new pool location and the additional wetland plantings to be appropriate considerations of their concerns.

After discussion, Mr. Tone made a motion to approve the application with conditions. Ms. Cameron seconded the motion and it passed 5-0. Mr. Rohr abstained.

Ms. Cameron read the next agenda item.

EPC-49-2005, Shanahan, 58 Sunswyck Road, request from Attorney Gleason regarding modification of a condition of approval concerning construction timing.

Attorney Wilder Gleason represented Mr. Shanahan.

Mr. Rohr was recused for this item.

The Commission determined that their condition of approval #7 was not intended to be interpreted to consider the mitigation activity as site work requiring construction of the house to commence and be completed within one year.

Ms. Cameron read the next agenda item.

EPC-37-2004, Country Club of Darien, 300 Mansfield Avenue, requesting permit extension and modifications to parking, driveway, and maintenance building plans to reduce activities within the upland review area.

Attorney Jacqueline Olschan represented the applicant. She said the proposed changes will have less activity within the upland review area. She said they hope to complete the work this fall and requested a one year extension.

After discussion, Mr. Flaherty made a motion to approve the modifications to the driveway and parking, and the maintenance building, and grant a one year extension to the permit. Mr. Tone seconded the motion and it passed unanimously.

Ms. Cameron read the next agenda item.

EPC-12-2009, John and Laura McPhee, 20 St. Nicholas Road, proposing generator and electrical conduit within an upland review area, and pond aerator.

Mark Lebow, William Seymour Associated, represented the applicant. He said the disturbance required to install the electric and gas lines and generator will be temporary.

After discussion, Mr. Flaherty made a motion to approve the application. Mr. Rohr seconded the motion and it passed unanimously.

Ms. Cameron read the next agenda item.

EPC-13-2009, Joanne Frawley, 37 Greenwood Avenue, proposing relocation of stormwater discharge pipe within an upland review area and outlet protection within a regulated area.

Anthony Totilo, Architect represented the applicant. He described the relocation of the pipe as necessary to constructing a house addition. He said they are providing storm water detention even though there is no new construction within the upland review area.

The Commission requested the disturbed area be re-vegetated and asked for a replacement tree somewhere else on the site if the Mulberry is removed.

After discussion, Ms. Cameron made a motion to approve the application. Mr. Flaherty seconded the motion and it passed unanimously.

Ms. Cameron announced the following agenda item was withdrawn by the applicant:

EPC-13-2008, Alex Kaali-Nagy, 129 Five Mile River Road, requesting modification of approved pool location within the upland review area.

Ms. Cameron made a motion to approve the minutes of March 4. Mr. Kenyon seconded the motion and it passed 5-0. Mr. Rohr abstained.

Mr. Flaherty was recused for the public hearing items and left the meeting.

Ms. Cameron read the first public hearing item at 8:30 P.M.

EPC-10-2009, William Hancock, 227 Leroy Avenue, proposing pond dredging and dam alteration.

Joseph Rissoli, P.E. represented the applicant. He described the dredging and dam modification to reduce the frequency of flooding on the neighboring property and improve the hydrologic conditions on the Stony Brook.

Mr. Kenyon asked if they were lowering it to the original height of 12 inches. Mr. Risoli said they thought removing the 18 inches was best for today's environment. Mr. Kenyon asked if they would be removing the broken concrete. Mr. Risoli said yes.

Mr. Tone asked about maintenance after the dam is lowered. Mr. Risoli said not much maintenance would be required since the flow velocities will clean the dam. Mr. Tone asked when the pond was last dredged. Mr. Hancock said at least 40 years ago.

Ms. Cameron asked for public comment.

Robert Oley, P.E. spoke on behalf of Mr. Grandon. He spoke in favor of the application and said it would improve the conditions on the Grandon property and improve flow in the Stony Brook. He requested a condition that an as-built be required of the dam after completion.

Mr. Rohr noted that the date on the revised plan did not have a revision date. He suggested that Mr. Risoli sign and date the display maps and leave them with staff and Mr. Risoli agreed.

Cheryl Russell 18 Holly Lane asked about the sediment removal and the sand bar. Mr. Risoli described on the profile the extent of the sediment removal.

Ms. Cameron made a motion to close the public hearing. Mr. Tone seconded the motion and it passed unanimously.

After deliberating, Ms. Cameron made a motion to approve the application with conditions including an as-built by a P.E. after completion of the dam removal certifying compliance with the approved plan. Mr. Kenyon seconded the motion and it passed unanimously.

Ms. Cameron read the next public hearing item.

EPC-60-2008, VR Associates, 305 Middlesex Road, proposing demolition of an existing residence, construction of a new residence, and related site construction within a regulated area.

Attorney Robert Maslan represented the applicant. He introduced Todd Ritchie, P.E. of Stearns and Wheler.

Mr. Maslan submitted copies of correspondence, photos and e-mails for the record. He described the plan revision with a smaller house footprint. He said they had received the memos from Mr. McChord and Mr. Jacobson and have attempted to address those concerns.

Mr. Ritchie said they have revised the plan after receiving staff comments regarding wetland impacts. He described the reduction in the house footprint and reduction in impacts from 6500 square feet to 3000 square feet.

Ms. Cameron asked if there will be a change in grade inside the proposed stone wall that will affect the tree roots. Mr. Ritchie said the change in grade will be less than 6 inches.

Mr. Tone asked about the nature of the soil to be removed from the mitigation area. Mr. Ritchie said it was sandy fill. Mr. Tone asked about what appeared to be an old foundation. Mr. Ritchie said he was not aware of a foundation but there was no activity proposed in that area. Mr. Tone asked about the standpipes. Mr. Ritchie said they were no longer being used. Mr. Tone said they should be removed.

Ms. Kirby asked about the additional crushed stone around the Cul-tech perimeter drain. Mr. Ritchie said that was in response to Holt McChord's comment. Mr. McChord said they have kept the drainage system the same size with the reduction in impervious surface.

Ms. Cameron asked if they would reduce the garage space. Mr. Ritchie said they would like to keep the footprint to maintain the space above the garage.

Mr. Rohr asked if there is a detail of the trench drain. Mr. Ritchie said it will be similar to a level spreader. Mr. Rohr questioned the ability of the trench to drain the pond. Mr. Ritchie said the intent is to drain the area and not have any standing water in the mitigation area.

Mr. Kenyon asked about Holt McChord's comments regarding the gravel drive and if the applicant had considered grass pavers. Mr. Ritchie said he thought grass pavers would have the same infiltration as gravel because of the underlying soils. He said it would be up to the homeowner to maintain the gravel.

Mr. Kenyon asked if they would have a waterproof basement as recommended by Mr. McChord. Mr. Ritchie said they would not be going any deeper than the existing crawlspace and they can waterproof the new crawlspace.

Ms. Cameron asked Mr. McChord for his report. Mr. McChord said he was retained by the Commission to review the project, including looking at drainage impacts to the surrounding area. He said the 100 year flood elevation is 98 and the application does not propose fill below that elevation. He reviewed his recommendations and discussed the need for a monitoring and maintenance plan. Ms. Cameron asked him about using grass pavers or pervious asphalt. Mr. McChord said that any of those pervious treatments need to be above ground water and there is little depth above groundwater here. Ms. Cameron asked if he would recommend allowing a regular drive. Mr. McChord said there would be little difference.

Mr. McChord said that as a result of his discussions with Todd Ritchie they are lowering the catch basin to make it flush with the bottom. He said the new plan will have a greater margin of safety.

Ms. Kirby said she is concerned that water may run off of Middlesex and onto the neighbor. Mr. McChord said the water from Middlesex will be in the gutter.

Mr. Tone asked if there were other mitigation measures which could be applied west of the wall. Mr. McChord said he would recommend leaving that area alone.

Mr. Rohr said the detail on the level trench should include surrounding the pipe with filter fabric.

Ms. Cameron said she would like to have a detail planting plan.

Ms. Cameron opened the hearing for public comment.

Chris Rowland, West Avenue, spoke in opposition to the project.

Mr. Wade said he had concerns about additional flooding. Mr. McChord said the project would not cause additional flooding.

Barry Grandon, Old Parish Road discussed flood models with Mr. Ritchie.

Bob Jordan, Middlesex Road, said he was satisfied with the engineering study. He asked about the standpipes and debris in the wetland. He said that monitoring and maintenance would be important.

Lane Russell, 18 Holly Lane, said he was against a sump pump and any unnecessary pumping of water. He asked about the level of groundwater on the property. Mr. Ritchie said it was about 18". Mr. McChord said that the capacity of the river would not be impacted by draining groundwater.

Wesley Depp, 11 Holly Lane, said he disagrees that the project won't affect him. He said the construction must be done in accordance with the plan.

Cheryl Russell, 18 Holly Lane said the ACOE wetlands are not the subject of this application. She asked about Don Ferlow who prepared the environmental assessment. She said permission is needed from the DPW to connect to a catch basin. She said that there is a tax assessment reduction for 305 Middlesex for "topographical".

She questioned how maintenance will take place on private property.

Cecil Wade, Middlesex Road, asked about the relationship between ground water elevation and flood elevation. Mr. McChord said they are not related.

Ms. Cameron asked if his client would consider a conservation easement over the wetland area. Mr. Maslan asked for a moment to discuss it with his client.

Ms. Cameron said she is concerned that the gravel from the driveway will end up in the rain garden.

The Commission discussed the maintenance agreement and the land record notice with Mr. Maslan. Mr. Maslan said his client would agree to a conservation easement on the wetland west of the wall.

Ms. Cameron made a motion to close the public hearing. Mr. Tone seconded the motion and it passed unanimously. The public hearing was closed at 11:35. The Commission decided to schedule a special meeting later in April to deliberate on this application.

Mr. Tone made a motion to adjourn. Ms. Cameron seconded the motion and it passed unanimously.

The meeting adjourned at 11:40 P.M.

Respectfully submitted,  
Richard B. Jacobson  
Environmental Protection Officer